

the delegates, but by the votes of a majority of the States, the delegates from each State casting one vote. Then clearly this paramount power cannot be claimed from the articles of confederation.

We come now to the Declaration of Independence. Let us look at the preamble of that. Is it a declaration of the people of the United States? Is it a declaration of the people of America? Is it a declaration of the people of any country, or of any nation whatever? No, sir; the language is "The unanimous declaration of the thirteen United States of America." That is the Declaration of Independence. When they stated these great fundamental truths, which gentlemen have said "are obsolete ideas;" when they enunciated these fundamental doctrines which lie at the very foundation of all rightful government, they did not do it as the declaration of a mass, of a community, or of a free people in the aggregate. They did it as "the unanimous declaration of the thirteen United States of America," and they signed it in the same way; it was not signed in alphabetical order, nor was it signed promiscuously—one representative of one State signing here and another there; but the delegates from each State, under the name of the State, affixed their signatures to it, and it was adopted by States. This doctrine of paramount allegiance, then, is not to be found in the country as colonies, nor in the articles of confederation, nor in the Declaration of Independence.

Where, then, is the source from which it is derived? The only other source is the Constitution of the United States. It is there that Mr. Webster claimed to have found it; and it is there that all who have followed him in the maintenance of this doctrine claim to find it. Now let us look at it. The preamble reads:

"We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Now, sir, I have already said, and it can be shown, and with the permission of the Convention, I will show in the reporter's notes, that the Congress which adopted the Articles of Confederation and the Declaration of Independence, was clothed with almost the identical powers, was given almost the same instructions, originated in the same way, operated upon by the same motives, as the Congress that adopted the Constitution, and the proof of this is to be found in the "Resolutions" of the several States, in Convention appointing them. They used substantially the same language, and every consideration of reason and of law must lead us to the inevitable conclusion that the same interpreta-

tion must be put upon the same language.—Having in the Articles of Confederation, after enumerating the States by name, declared that the title of the Confederacy shall be "The United States of America," it seems to me that the conclusion follows inevitably that "The United States of America" in the preamble of the Constitution meant the people of the States individually, as in the Articles of Confederation.

Did the framers of that Constitution establish a national government? Did they mean to say that we were one people for the purposes of government enumerated in this Constitution, and that the existence of the separate States was ignored? Where are the national features in the Constitution that would sanction and sustain that idea? Do you find it in the first article referring to "all legislative powers herein granted?" Does an original, inherent, existing people, existing *ipso facto*, by the mere force of their natural right as a people, does such a people, assuming a government, say "all legislative power herein granted?" Is that the way a Constitution is made by a people existing of themselves?—Sir, nationality does not grant powers. A nationality makes laws, not in accordance with and because of grants of power, but because they have the right within themselves.

"All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Does the Senate present any national features? Why, sir, Rhode Island and Delaware stood side by side of, and the peers of, Virginia, Pennsylvania and New York, and they stand there this day, the equals of the proudest States in this Union.

There was an idea which escaped me at the time in reference to the preamble, which I think is conclusive. It is this—in the first report that was made, as will be seen by reference to Elliott's Debates, the preamble read: "We, the people of New Hampshire, Massachusetts Bay," &c., naming all the States.—That stood adopted upon the records as the preamble until the committee of revision was appointed, and that committee reported the present language: "We, the people of the United States." Why was that change made? Because the Convention had adopted a clause which required the approval of nine States before the Constitution should go into operation, and they could not say that all the several States enumerated in the preamble would adopt it. But they would be the people of the United States, or the States united, whenever nine States should adopt the Constitution, no matter what nine States they were. And there was an obvious impropriety in saying that the States of New Hampshire, Massachusetts, Rhode Island, Virginia, &c., ordained and established the Constitution, when the Constitution had not been submit-